



PLANNING COMMISSION TELECOMMUNICATIONS SUBCOMMITTEE MEETING MINUTES MONDAY, FEBRUARY 22, 2016

A meeting of the Planning Commission Telecommunications Subcommittee was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Monday, February 22, 2016 at 4:11PM.

ATTENDANCE

Members Present: Robina Bouffault and Douglas Kruhm

Members Absent: Jon Turkel

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

Others Present: None

AGENDA

Members approved the agenda by consensus.

Continued Discussion, Potential Modifications to Monopole Regulations

Mr. Stidham stated that based on the discussion at the February 5 Planning Commission meeting, it appeared that there is consensus to have the Subcommittee complete their work on the proposed text amendment and then evaluate it in conjunction with the telecommunications engineering study. He asked for the Subcommittee members to confirm this understanding. Ms. Bouffault replied that she was concerned with the fact that the study would not begin until the start of the new fiscal year in July. She said that an RFP should be issued as soon as possible so we can determine the cost of the study and potentially fund it in the current fiscal year. She added that she did not believe that the study would identify the proprietary information that we are looking for and that the better use of engineering services would be to review applications on a case-by-case basis.

Mr. Stidham said that he had serious concerns about evaluating special use permit applications on a case-by-case basis without a study or scientific document to support the decisions. He added that such documentation would be needed to deny an application on grounds of unnecessary tower height or less than optimal coverage. Ms. Bouffault said that the providers are not concerned with where applicants want towers to be located – they will choose sites that make the most sense economically. Mr. Stidham replied that he agrees in regards to applications that are pushed by the providers but is more concerned with applications driven by tower building companies.

Ms. Bouffault reiterated that the engineering study needs to be completed as soon as possible. Mr. Stidham stated that the study should be able to tell us what the maximum height of future towers should be to provide effective coverage and to accommodate future co-location applications. Ms. Bouffault replied that this is driven by the market and not by local ordinances. Mr. Stidham said that the policy question to be answered is whether you want your towers out of sight and out of mind or do you want them designed to provide the maximum possible benefit. Ms. Bouffault said the County needs telecommunications need to be the least obtrusive as possible while providing the best coverage. She said we should not dictate to the providers where the towers should be placed. She also asked Mr. Stidham what we wanted to get out of the engineering study. Mr. Stidham said that we do not know what coverage we are getting from our current towers, which providers are located on them, and what the capacity of expansion is for each tower. He added that with recent efforts by providers to upgrade their existing equipment, it is not known how much viable space remains on the towers for future co-location.

Mr. Kruhm asked if it is reasonable to expect that the study would determine the current state of the County's telecommunications and how to get coverage throughout the County. Mr. Stidham said that we need to know the current capacity level of the network and its ability to add more provider antennas. Mr. Stidham added that if we increase the tower height to 199 feet and we receive a marginal application, he does not feel as a staff member that he would have the ability to provide grounds to deny the application under the current text amendment language. Ms. Bouffault said that you would need to have a valid reason to deny the application and she did not think that the engineering study would provide this justification. She added that she does not think that a change in the regulations would bring a tremendous amount of new tower applications but that we at least need to show that we are open to having good telecommunications in the County. She also said that she thinks good telecommunications service trumps aesthetics. Mr. Stidham said that he wants a study that will provide Staff with grounds to give solid recommendations on whether to approve an application, deny it, or approve it at a lower height. Ms. Bouffault said that she thinks the County has an obligation to provide appropriate telecommunications service. She added that the Planning Commission's responsibility is to foresee the needs of the citizens and to plan for them.

Mr. Kruhm said he was concerned that if we leave the placement of towers up to the industry, we may end up with some atrocious-looking properties. Ms. Bouffault replied that providers will only construct new towers if they will serve a large number of customers. She added that the County's low current and future population density will likely result in few new towers. They will prefer to co-locate on existing towers and other structures.

Mr. Stidham asked the members if they would be comfortable changing the proposed maximum tower height from 150 feet to 199 feet and adding language recommended by the County Attorney to guard against co-locations that would extend the tower height over 199 feet. He added that Mr. Turkel said that he would be in favor of this change. Ms. Bouffault and Mr. Kruhm agreed with the proposed changes.

Mr. Stidham raised the possibility that a qualified engineer would not be identified through the procurement process and suggested that the text amendment could be further adjusted to provide additional justification for service needs. Ms. Bouffault reiterated that she did not think an

engineering consultant would be able to provide the information that we are looking for and even if they did, the results of their study would soon be obsolete.

Mr. Stidham asked if the maximum tower height were increased to 199 feet, what would the members' opinions be if the owners of existing 100 foot towers filed applications to replace them with 199 foot towers. Ms. Bouffault said that she would not have a problem with this if they could justify the need for the taller tower. She added that she did not see this scenario happening due to cost of replacing an existing tower but if a provider chose to do this, it must be addressing an actual need. Mr. Stidham asked about construction of new 199 foot towers in rural areas such as Allen Road. Ms. Bouffault replied that she would not have a problem with this but it is unlikely such a tower would be built if it would not improve coverage for a significant number of customers. Mr. Stidham reiterated the concern that a tower construction firm would propose such an application with only a letter of intent from a provider to co-locate. Ms. Bouffault suggested that this requirement could be strengthened. Mr. Stidham proposed requiring a minimum of two letters of intent from providers and the members agreed with the proposed change. Mr. Stidham noted that the engineering study should be able to tell us the best locations for new 199 foot towers. He added that the engineer should also tell us what the most effective maximum height would be for towers on the ridge line. Mr. Kruhm stated that he did not think there would be many applications for new towers except along the County's primary roads.

Mr. Stidham stated that if the procurement process fails to identify a qualified engineering firm, the plan would be to move forward with the text amendment. Ms. Bouffault said that the special use permit requirements should include language to give the Planning Commission authority to approve or deny applications on a case-by-case basis.

Mr. Stidham asked the members about the new proposed co-location language that was added to the draft Goals and Objectives. He said that the members could include Staff's new recommended Objective 3 or strengthen language in the Goals statement. The members agreed to go with Staff's recommended Objective 3.

Mr. Stidham also noted that the General Assembly tabled a bill that would further limit a locality's ability to regulate co-locations including preventing application or engineering review fees from being charged.

The meeting was adjourned at 4:49PM.



Brandon Stidham, Planning Director